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28 UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA, SOUTHERN DIVISION

21 Ernest Dewayne Jones,
22 Petitioner,
23 v.
24 Vince Cullen, Acting Warden of
25 California State Prison at San Quentin,
26 Respondent

Case No. CV-09-2158-CJC
DEATH PENALTY CASE
JOINT STIPULATION RE:
DISCOVERY AND PROPOSED
BRIEFING SCHEDULE

1 Pursuant to this Court's June 8, 2010 Order, the parties set out their positions
2 regarding discovery and submit this joint briefing schedule.

3 **1. Discovery**

4 The parties stipulate that discovery matters should be raised and be resolved
5 after the ruling on the motion for evidentiary hearing. Following this Court's June 8
6 Order, the parties met and conferred, but were unable to reach an agreement
7 concerning discovery at this stage of the proceedings.

8 On June 17, 2010, respondent requested that petitioner provide him with the
9 following discovery:

- 10 1) The depositions of all individuals who provided declarations in the
11 state habeas proceedings (Cal. Supreme Court case nos. S110791,
12 S159235, S180926) including, but not limited to, trial counsel,
13 mental health experts, other experts, jurors and lay witnesses.
- 14 2) Copies of all documents relied upon by experts who provided
15 declarations in state habeas proceedings.
- 16 3) A copy of trial counsel's files.
- 17 4) A mental examination of petitioner to be conducted by an expert
18 designated by respondent.
- 19 5) Copies of all mental health records for petitioner in petitioner's
20 possession.

21 On June 18, 2010, petitioner requested respondent's agreement to the following
22 discovery requests:

- 23 1) To serve subpoenas duces tecum on Los Angeles Police Department
24 (LAPD), requesting the solved murder book of the LAPD Case No.
25 92-12-28498.
- 26 2) To serve subpoenas duces tecum on Los Angeles County Sheriff's
27 Department, requesting all documents relating to petitioner's
28 confinement in the Los Angeles County Jail between September 7,

1 1992 and April 7, 1995, including but not limited to, all medical
2 records, housing and movement reports, including lists of county jail
3 inmates who were housed on the same floor and/or tier as petitioner
4 during the two years and eight months he was incarcerated in the Los
5 Angeles County Jail, inmate injury and incident reports, and
6 telephone and visitation logs.

7 3) Request for Admissions pursuant to Federal Rules of Civil Procedure
8 rule 36.

9 On June 21, 2010, respondent informed petitioner that good cause exists for
10 petitioner to obtain the LAPD murder book and those jail records relating only to
11 petitioner. Respondent disputed petitioner's right to Request for Admissions.

12 By letter dated June 25, 2010, petitioner agreed to modify his second request,
13 the request for jail records, and withdrew the third numbered request, the Request for
14 Admissions. Petitioner informed respondent that given the breadth of his discovery
15 requests, waiting until the court has ruled on the evidentiary hearing motion to address
16 them best serves the interests of judicial economy in this case.

17 The parties conferred by telephone on June 28, 2010. Respondent will not agree
18 to petitioner's request for discovery at this time in the absence of petitioner's
19 agreement that good cause exists for respondent's request for discovery, with the
20 understanding that respondent would defer conducting that discovery until after the
21 Court rules on the motion for evidentiary hearing.

22 Thus, given the parties' inability to agree over the scope and character of
23 permissible discovery, the parties agree to resolve any discovery disputes after the
24 motion for evidentiary hearing has been resolved.

25 2. Motion for Evidentiary Hearing

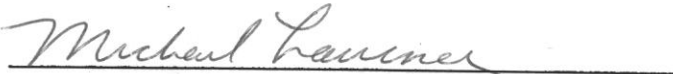
26 The parties agree to adhere to the briefing schedule outlined in the Joint
27 Stipulation Re: Briefing Schedule, filed April 8, 2010. (Doc. 30.) Petitioner will file a
28 Motion for Evidentiary Hearing no later than one hundred and twenty (120) days after

1 the filing of the Traverse. The parties further agree that Respondent's Opposition to
2 the Motion for Evidentiary Hearing will be filed no later than sixty (60) days after the
3 filing of Petitioner's motion. Petitioner's Reply to Respondent's Opposition to the
4 Motion for Evidentiary hearing will be filed no later than sixty (60) days after the
5 filing of Respondent's Opposition. The parties stipulate that either party may, based
6 on good cause, request to extend the deadline for filing any of the above referenced
7 pleadings.

8 Dated: July 2, 2010

Respectfully submitted,

HABEAS CORPUS RESOURCE CENTER



By: MICHAEL LAURENCE
Attorneys for Ernest Dewayne Jones

15 Dated: July 2, 2010

ATTORNEY GENERAL OF THE STATE OF
CALIFORNIA



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